

1 Michael F. Ram, SBN 104805
2 mram@forthepeople.com
3 Marie N. Appel, SBN 187483
4 mappel@forthepeople.com
5 MORGAN & MORGAN
6 COMPLEX LITIGATION GROUP
7 711 Van Ness Avenue, Suite 500
8 San Francisco, CA 94102
9 Telephone: (415) 358-6913
Facsimile: (415) 358-6923

6 Jeffrey B. Cereghino, SBN 99480
7 jbc@cereghinolaw.com
8 CEREGHINO LAW GROUP LLP
9 649 Mission Street, Floor 5
San Francisco, CA 94105
Telephone: (415) 433-4949

10 W. Craig Bashein, Admitted *Pro Hac Vice*
11 John P. Hurst, Of Counsel,
Admitted *Pro Hac Vice*
12 BASHEIN & BASHEIN CO., L.P.A.
Terminal Tower
13 35th Floor, 50 Public Square
Cleveland, Ohio 44113
Telephone: (216) 771-3239

14 Attorneys for Plaintiffs and Proposed Class

16 UNITED STATES DISTRICT COURT
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
18 EDD KING, DIEDRE KING, ELMO
19 SHEEN, and SHEILA LEE, on behalf of
themselves and all others similarly situated,

20 Plaintiffs,

21 v.

22 NATIONAL GENERAL INSURANCE
23 COMPANY, NATIONAL GENERAL
ASSURANCE COMPANY, INTEGON
24 NATIONAL INSURANCE COMPANY,
INTEGON PREFERRED INSURANCE
COMPANY, MIC GENERAL INSURANCE
25 CORPORATION, PERSONAL EXPRESS
INSURANCE COMPANY, SEQUOIA
INSURANCE COMPANY, and DOES 1
26 through 200, inclusive,

27 Defendants.

28 Case No. 4:15-cv-00313-DMR

**STIPULATED REQUEST FOR ORDER
CONTINUING CASE MANAGEMENT
DATES [L.R. 6-2] AND ORDER (AS MODIFIED)**

Dept.: Courtroom 4 – 3rd Floor
Oakland Courthouse
The Honorable Judge Donna M. Ryu

Action Filed: January 22, 2015

1 Pursuant to Northern District of California Civil Local Rule ("LR") 6-2, Plaintiffs EDD
 2 KING, DIEDRE KING, ELMO SHEEN, and SHEILA LEE, ("Plaintiffs") and Defendants
 3 NATIONAL GENERAL INSURANCE COMPANY, NATIONAL GENERAL ASSURANCE
 4 COMPANY, INTEGON NATIONAL INSURANCE COMPANY, INTEGON PREFERRED
 5 INSURANCE COMPANY, MIC GENERAL INSURANCE CORPORATION, PERSONAL
 6 EXPRESS INSURANCE COMPANY, and SEQUOIA INSURANCE COMPANY,
 7 ("Defendants") by and through their respective counsel of record, hereby submit the instant
 8 Stipulated Request for Order Continuing Case Management Dates ("Stipulation"), subject to
 9 Court approval, as follows:

10 WHEREAS, Plaintiffs filed their Class Action Complaint in the above-captioned action on
 11 January 22, 2015;

12 WHEREAS, on February 14, 2017, the Court issued a Primary Jurisdiction Referral Order
 13 referring this case to the California Department of Insurance ("Department") for it to consider
 14 certain issues raised in this action;

15 WHEREAS, on November 10, 2020, the Department issued a letter (ECF 152-1) concluding
 16 this Court's February 14, 2017 Primary Jurisdiction Referral, returning this case to the Court for
 17 further proceedings;

18 WHEREAS, on January 28, 2021, Plaintiffs filed their Fourth Amended Complaint (ECF
 19 163);

20 WHEREAS, on February 11, 2021, Defendants filed a motion to dismiss and motion to
 21 strike the Fourth Amended Complaint (ECF 164-166) which this Court heard on April 22, 2021,
 22 and granted in part by Order on Defendants' Motion to Dismiss (ECF 183) dated June 11, 2021.
 23 The Court also lifted the stay on discovery in this case.

24 WHEREAS, on July 1, 2021, Defendants filed their Answer to the Fourth Amended Class
 25 Action Complaint (ECF 184);

26 WHEREAS, on August 4, 2021, the Court held a Further Case Management Conference and
 27 issued a Civil Conference Minute Order (ECF 187) setting case deadlines including that the
 28 Parties must participate in private mediation by February 1, 2022;

1 WHEREAS, after the Court lifted the discovery stay on June 11, 2021, the Parties
 2 commenced discovery and have, since that date, been conducting fact discovery, negotiated an
 3 ESI Protocol which was approved by the Court (ECF 195) and a proposed Stipulated Protective
 4 Order (ECF 209).

5 WHEREAS, on November 23, 2021, the Court issued an Order granting Defendant Sequoia
 6 Insurance Company's Motion permitting withdrawal and substitution of Counsel (ECF 207);

7 WHEREAS, on January 7, 2022, the Court granted the Parties' stipulated request to extend
 8 the mediation deadline. Order Extending Mediation Deadline [L.R. 6-2] (ECF 212). The Order
 9 continued the mediation for ninety days, until May 2, 2022, and continued the deadline for the
 10 Updated Joint Case Management Conference Statement to April 27, 2022; and set the Further
 11 Case Management Conference for May 4, 2022.

12 WHEREAS, discovery between the Parties remains ongoing, but is not yet complete. Both
 13 Plaintiffs and Defendants National General Insurance Company, National General Assurance
 14 Company, Integon National Insurance Company, Integon Preferred Insurance Company, Mic
 15 General Insurance Corporation, and Personal Express Insurance Company (the "National General
 16 Defendants") have propounded discovery. In that regard, due to the complexity, number of issues
 17 and number of parties, both have engaged in extensive meet and confer efforts, both by telephone
 18 and through written correspondence, to narrow the issues and, to that end, are both preparing
 19 supplemental responses. The National General Defendants' ability to locate and produce
 20 documents has been complicated by the fact that, among other things, there are multiple insurance
 21 carriers that involve multiple custodians for each carrier over a fourteen-year period of time over
 22 which ownership of various carriers has changed hands multiple times. To date, these Defendants
 23 have produced 112,981 pages of documents and production is continuing on a rolling basis. That
 24 process is ongoing and the parties are proceeding diligently with discovery.

25 WHEREAS, Plaintiffs and Sequoia have corresponded multiple times regarding discovery
 26 disputes and have met and conferred in an attempt to resolve the issues. Those discussions
 27 remain ongoing. Sequoia states that it ceased selling PPA insurance in California in 2007 and
 28 sold its interest in Personal Express Insurance Company in 2014. Accordingly, Sequoia has very

1 limited documents and information in its possession, custody, or control.

2 WHEREAS, each of the named Plaintiffs has been deposed. Plaintiffs have noticed
3 depositions of several of Defendants' employees. The Parties have agreed to postpone the
4 depositions of Defendants' employees while production continues.

5 WHEREAS, the Parties believe that, although they have been diligently litigating this case,
6 additional time is needed to complete the necessary discovery, pursue mediation and, if needed,
7 prepare this case for trial.

8 WHEREAS, no prior modifications have been requested or made to the case management
9 dates set by the Court in the Civil Conference Minute Order (ECF 187) but, as stated above, on
10 January 7, 2022, at the Parties' request, the Court extended the mediation date until May 2, 2022,
11 and the deadline for the Updated Joint Case Management Conference Statement to April 27,
12 2022; and set the Further Case Management Conference for May 4, 2022. Order Extending
13 Mediation Deadline [L.R. 6-2] (ECF 212).

14 WHEREAS, in light of the numerous discovery issues and discovery delays, the Parties
15 respectfully request that the Court extend the mediation date for approximately 120 days, and the
16 case management dates for approximately 180 days as follows:

Event	Current Date	Proposed Date
Last day to conduct mediation	5/2/2022	9/7/2022
Updated Joint Case Management Statement	4/27/2022	9/14/2022
Further case management conference	5/4/2022	9/21/2022
Close of fact discovery	8/4/2022	1/31/2023
File class certification motion	9/6/2022	3/6/2023
Opposition to class certification motion	11/1/2022	5/1/2023
Reply re class certification	12/13/2022	6/12/2023
Plaintiffs' expert witness disclosure	12/16/2022	6/15/2023
Defendants' expert witness disclosure	1/16/2023	7/17/2023
Rebuttal expert disclosures due	2/17/2023	8/16/2023
Expert discovery cut-off	4/17/2023	10/13/2023
Last day for hearing dispositive motions	6/22/2023	12/12/2023
Trial date	NOT SET	

1 NOW, THEREFORE, IT IS HEREBY STIPULATED, subject to Court approval, that the
 2 following deadlines be extended as follows:

3	Event	Date
4	Last day to conduct mediation	9/7/2022
5	Updated Joint Case Management Statement	9/14/2022
6	Further case management conference in Oakland, by Videoconference only	9/21/2022
7	Close of fact discovery	1/31/2023
8	File class certification motion	3/6/2023
9	Opposition to class certification motion	5/1/2023
10	Reply re class certification	6/12/2023
11	Plaintiffs' expert witness disclosure	6/15/2023
12	Defendants' expert witness disclosure	7/17/2023
13	Rebuttal expert disclosures due	8/16/2023
14	Expert discovery cut-off	10/13/2023
15	Last day for hearing dispositive motions	12/14/2023 12/12/2023
16	Trial date	Not Set

17 Respectfully submitted,

18 Dated: April 27, 2022

19 By: /s/Michael F. Ram
Michael F. Ram

20 Michael F. Ram, SBN 104805
mram@forthepeople.com
21 Marie N. Appel, SBN 187483
mappel@forthepeople.com
22 MORGAN & MORGAN
COMPLEX LITIGATION GROUP
711 Van Ness Avenue, Suite 500
23 San Francisco, CA 94102
Telephone: (415) 358-6913
24 Facsimile: (415) 358-6923

25 Jeffrey B. Cereghino, SBN 99480
jbc@cereghinolaw.com
26 CEREGHINO LAW GROUP LLP
649 Mission Street, Floor 5

1 San Francisco, CA 94105
2 Telephone: (415) 433-4949

3 W. Craig Bashein, Admitted *Pro Hac Vice*
4 John P. Hurst, Of Counsel, Admitted *Pro*
5 *Hac Vice*
6 BASHEIN & BASHEIN CO., L.P.A.
7 Terminal Tower
8 35th Floor, 50 Public Square
9 Cleveland, Ohio 44113
10 Telephone: (216) 771-3239

11 *Attorneys for Plaintiffs and Proposed Class*

12 Dated: April 27, 2022

13 By: /s/ Marc R. Jacobs
14 Marc R. Jacobs

15 Sanford L. Michelman, Esq. (SBN 179702)
16 smichelman@mrllp.com
17 David F. Hauge, Esq. (SBN 128294)
18 dhauge@mrllp.com
19 Marc R. Jacobs, Esq. (SBN 185924)
20 mjacobs@mrllp.com
21 MICHELMAN & ROBINSON, LLP
22 10880 Wilshire Boulevard, 19th Floor
23 Los Angeles, CA 90024
24 Tel: (310) 299-5500
25 Fax: (310) 299-5600

26 Mona Z. Hanna, Esq. (SBN 131439)
27 mhanna@mrllp.com
28 Vincent S. Loh, Esq. (SBN 238410)
vloh@mrllp.com
MICHELMAN & ROBINSON, LLP
17901 Von Karman Avenue, 10th Floor
Irvine, CA 92614
Tel: (714) 557-7990
Fax: (714) 557-7991

29 Attorneys for Defendants
30 NATIONAL GENERAL INSURANCE
31 COMPANY, NATIONAL GENERAL
32 ASSURANCE COMPANY, INTEGON
33 NATIONAL INSURANCE COMPANY,
34 INTEGON PREFERRED INSURANCE
35 COMPANY, MIC GENERAL
36 INSURANCE CORPORATION, and

1 PERSONAL EXPRESS INSURANCE
2 COMPANY

3 Dated: April 27, 2022

4 By: /s/Verona M. Sandberg
5 Verona M. Sandberg

6 Sean T. Keely, Admitted *Pro Hac Vice*
7 skeely@freeborn.com
8 Andrew A. Wooden, Admitted *Pro Hac Vice*
9 awooden@freeborn.com
10 FREEBORN & PETERS LLP
11 1155 Avenue of the Americas, 26th Floor
12 New York, NY 10036
13 Tel: (212) 218-8760
14 Fax: (212) 218-8761

15 James J. Boland, Admitted *Pro Hac Vice*
16 jboland@freeborn.com
17 Verona M. Sandberg, Admitted *Pro Hac Vice*
18 vsandberg@freeborn.com
19 D. Richard Self, Admitted *Pro Hac Vice*
20 rself@freeborn.com
21 FREEBORN & PETERS LLP
22 311 S. Wacker Drive, Suite 3000
23 Chicago, IL 60606
24 Tel: (312) 360-6000
25 Fax: (312) 360-6520

26 Sara M. Thorpe (SBN 146529)
27 sthorpe@nicolaidesllp.com
28 Alison V. Lippa (SBN 160807)
alippa@nicolaidesllp.com
MICHAELIDES FINK THORPE
101 Montgomery Street, Suite 2300
San Francisco, CA 94104
Tel: (415) 745-3770
Fax: (415) 745-3771

Attorneys for Defendant
SEQUOIA INSURANCE COMPANY

ATTESTATION

I, Michael F. Ram, am the ECF user whose identification and password are being used to file this Stipulated Request for Order Continuing Case Management Dates. In compliance with the ECF manual and Civil Local Rules, I hereby attest that Marc R. Jacobs and Verona M. Sandberg each concur in this filing.

Dated: April 27, 2022

By: /s/ Michael F. Ram
Michael F. Ram

ORDER (AS MODIFIED)

PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.

Dated: April 28, 2022

